

REMARKS

Applicants note that after the above amendments, claims 1-6, 8-13 and 23-24 (14 total claims, 3 independent claims) remain pending in the Application. Applicants respectfully request reconsideration and the following remarks.

§102 and §103 Rejections

In the December 1, 2004 Office Action, claims 1-5, 8-12, 23 and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by Denen et al. (U.S. Patent No. 6,296,196) stating Denen discloses an emanator comprising a first material 32 and a second material 32 adjacent the first material, further citing col. 6, l. 16 for support for nylon and polypropylene materials.

Additionally, in the December 1, 2004 Office Action, claims 1, 6, 9 and 13 stand rejected under 35 U.S.C. §103 as being unpatentable over Harkenrider et al. (U.S. Patent No. 2,943,378) in view of Denen stating Harkenrider discloses an emanator comprising a first material 26 and a second material 28, but not the use of nylon and polypropylene. However, the Office Action states that it would have been obvious to one skilled in the art to have used nylon and polypropylene as taught in Denen.

Also, in the December 1, 2004 Office Action, the Examiner contends that Applicants arguments in response to the June 3, 2004 Office Action were unpersuasive because, "Claims 1, 9, and 23 do not preclude the first and second materials from being connected nor from being the same type/kind of material." Also, the Examiner contends that, "Because the first and second materials are made from the same type/kind of material, it is configured such that a liquid travels through the emanator at a rate no less than a rate at which it would travel through the first material alone and not less than a rate at which it would travel through the second material alone." Applicants again traverse.

Applicants note neither Denen nor Harkenrider, alone or in combination disclose a first and a second, different material adjacent to (or in contact with) the first material. Notably, the specification of Denen discloses the contrary, stating a preferred form of the wick is a nylon chenille yarn that is bent back on itself (col. 6, ll. 16-18). Clearly two distinct materials are not disclosed. In contrast, amended independent claims 1, 9 and 23 recite a first material and a second material as two different elements. Moreover, neither reference discloses, alone or when combined, a configuration illustrating a "synergistic" effect wherein a liquid travels at a rate of the emanator no less than either of the two materials alone.

Accordingly, Applicants respectfully request withdrawal of the foregoing §§102 and 103 rejections of claims 1, 9, and 23. Similarly, as claims 2-6, 8, 10-13, and 24, variously depend from allowable claims 1, 9, and 23, Applicants request withdrawal of all rejections of these claims as well.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that all of the currently pending claims 1-6, 8-13 and 23-24 properly set forth that which Applicants regard as their invention and are allowable over the cited prior art.

Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6337 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

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Respectfully submitted,

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